



STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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HILLSBORO-DEERING FEDERATION OF TEACHERS, NHFT-AFT, LOCAL NO. 2348, AFL-CIO	:	
	:	
Petitioner	:	
	:	
and	:	CASE NO. T-0233
	:	
HILLSBORO-DEERING SCHOOL DISTRICT	:	DECISION NO. 81-16
	:	
Respondent	:	
	:	

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APPEARANCES

Representing the Hillsboro-Deering Federation:

Theodore Wells, N. H. Representative, AFT  
Diane Tyrrel, School Nurse  
David Doherty, President Local No. 2348

Representing the School District:

Douglas Hatfield, Esq., Counsel  
Thomas Watman, Superintendent  
Peggy McAllister, School Board Member

BACKGROUND

Request for clarification of the existing bargaining unit was filed on September 24, 1980 by the President of the Hillsboro-Deering Federation of Teachers, David B. Doherty, relative to the position of school nurse.

On September 15, 1976, PELRB certified the bargaining unit in the Hillsboro-Deering School District in accordance with RSA 273-A and the Board's Rules and Regulations, as follows:

"All full-time classroom teachers, guidance counselor, librarian and full-time certified nurses. Excluded from the unit: principal, vice-principal, secretaries, aides, janitors, and all supervisory personnel."

At the time of filing for clarification, the School Board through its Counsel, Attorney Hatfield, objected to the request and requested to be heard on the matter.

A hearing was held on November 20, 1980 in the PELRB office in Concord. The teachers wanted the current nurse included in the bargaining unit in accordance with the recognition clause on the basis that the nurse was a trained, registered nurse and duly certified even though she was not certified by the N. H. Board of Education.

In 1976-77, the New Hampshire Education Department certified all nurses in the school systems; this procedure is no longer required. At some point in time, the Department of Education certification was required as in certain cases nurses were required to teach certain courses in health and hygiene. The current nurse does some teaching of first-aid only and performs all other duties contained in the job description which was submitted in evidence at the hearing.

The School Board's position was that in the earlier years of the contract, the nurse did teach courses in health and hygiene and was certified by the N. H. Board of Education; but, the present nurse did not teach courses and that her function did not have the necessary community of interest with the teachers.

The nurse currently holding the position testified that she was in fact a registered nurse, employed on a full-time basis by the School District; had an individual contract with the District and was being paid under a salary schedule. Further, she added that she worked with school staff and students on a daily basis, attended some staff meetings and her work performance was evaluated by the school principal. In addition, she also received the same fringe benefits accorded to the teachers.

Examination of the witness by Counsel for the School Board, Attorney Hatfield, indicated that the nurse did not have extra duties required of teachers such as bus duty or lunchroom duty.

The principal of the school, her immediate supervisor, testified that there was no structural time schedule for the nurse other than the normal school day.

Testimony indicated that health subjects were taught by the teachers in the school rather than by the school nurse as had been the previous practice.

#### FINDINGS

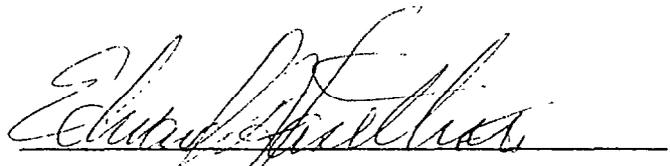
-- The current nurse position, although not certified by the N. H. Board of Education is in fact a "certified", "registered" nurse and well qualified.

--The certification requirement, as contained in the earlier contracts was discontinued by the N. H. Department of Education, such discontinuance notice by the N. H. Department of Education was dated November 17, 1980 and stated that the only current requirement was for nurses to hold a license to practice nursing in New Hampshire.

-- There are sufficient elements of the community of interest test to meet the requirement of RSA 273-A; i.e., same employer, salary schedule, yearly contract, fringe benefits and participation at staff level plus the self-felt community of interest.

DECISION AND ORDER

The position of school nurse in the Hillsboro-Deering Cooperative School District is to be included in the bargaining unit in accordance with Article II, Paragraph A, "Recognition" of the current master contract.



EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 15th day of June, 1981

By unanimous vote. Chairman Haseltine presiding. Members Hilliard and Osman present and voting. Also present, Executive Director LeBrun.